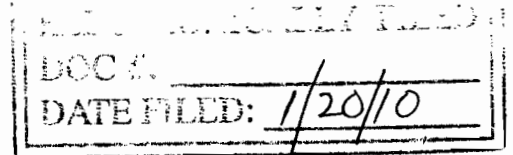


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
CLAUDIO NUNEZ,  
:  
Petitioner,  
:  
-against- 07 Civ. 7560 (SAS) (MHD)  
:  
JAMES T. CONWAY, Superintendent,  
Attica Correctional Facility,  
:  
Respondent.  
-----X  
SHIRA A. SCHEINDLIN, U.S.D.J.:

**ORDER**



I have reviewed the Report and Recommendation (“R&R”) of United States Magistrate Judge Michael H. Dolinger, dated December 23, 2009 (Document # 22), which recommends that I deny the petition for writ of habeas corpus brought by pro se petitioner Claudio Nunez pursuant to 28 U.S.C. § 2254. Although petitioner was given the opportunity to file objections to the R&R, *see* R&R at 34, he has failed to do so. Based on my independent review, I hereby adopt the thorough and thoughtful R&R in full.

In accordance with the R&R, the instant habeas petition is dismissed with prejudice. Because petitioner’s failure to file objections precludes appellate review, this Court will not issue a certificate of appealability. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992)

("We have adopted the rule that failure to object timely to a report waives any further judicial review of the report."). The Clerk of the Court is directed to dismiss the instant petition and close this case.

SO ORDERED:



Shira A. Schemdlin  
U.S.D.J.

Dated: New York, New York  
January 20, 2010

**- Appearances -**

**Petitioner (Pro Se):**

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